REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 19, 2005 (the "Office Action"). At the time of the Office Action, Claims 1, 6-22, and 26-45 were pending in the present application. Claims 1, 6-17, 19-22, 26-33, and 35-45 were allowed. Claims 18 and 34 were rejected. Applicants respectfully request reconsideration and allowance of all pending claims.

Allowable Subject Matter

Applicants note with appreciation Examiner's indication that Claims 1, 6-17, 19-22, 26-33, and 35-45 are allowable.

Examiner Interview

Applicants respectfully thank the Examiner for the courtesy of the telephone interview of November 8, 2005. At the time of the interview, the Examiner indicated that the present application was allowable over the cited art. Therefore, Applicants request reconsideration and allowance of all pending claims. For the convenience of the Examiner, the arguments raised by Applicants during the interview are presented below.

Section 103 Rejections

Claims 18 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,864,854 issued to Boyle ("*Boyle*") in view of U.S. Patent No. 6,542,967 issued to Major ("*Major*"). Applicants respectfully traverse these rejections for the reasons stated below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicants respectfully submit that each and every element of Claims 18 and 34 is not found within the references cited by the Examiner.

Claim 18 recites:

> A method for community data caching comprising:
> storing content unless the content is marked as non-cacheable at a cache module;
> intercepting a request for the content at the cache module;

> determining a cache share responsible for the request, the cache share being associated with a cache community;
>
> determining whether the content associated with the request is available at the cache share;
>
> retrieving the content associated with the request from the cache share when the content associated with the request is available at the cache share;
>
> retrieving the content associated with the request from an origin server when the content associated with the request is unavailable at the cache share and storing the content associated with the request retrieved from the origin server at the cache share; and
>
> expiring content stored at the cache module using a content expiration protocol, wherein the content expiration protocol comprises the Internet Cache Synchronization Protocol.

Applicants submit that the *Boyle-Major* combination suggested by the Examiner fails to teach, suggest, or disclose each of these elements. Specifically, the *Boyle-Major* combination fails to teach, suggest, or disclose "expiring content stored at the cache module using a content expiration protocol, wherein the content expiration protocol comprises the Internet Cache Synchronization Protocol." In the Office Action, the Examiner appears to interpret the Internet Cache Synchronization Protocol ("ICSP") as synonymous with the "Time-To-Live (TTL) value" taught by *Major*, saying that "the specification regarding the definition of Internet Cache Synchronization Protocol teaches nothing more than such means." Office Action, p. 6. The Examiner, however, misinterprets Applicants' disclosure and the meaning of "Internet Cache Synchronization Protocol." Rather than referring to a generic data expiration command, the **Internet Cache Synchronization Protocol is actually a specific content expiration protocol** used to expire content stored at a cache module. In fact, Applicants' own disclosure differentiates an ICSP message from a generic data expiration command. For example, page 19, lines 3-6, of the Applicants' specification states:

> The data expiration command comprises any suitable message for expiring data stored by cache module 24. In one embodiment, the data expiration command comprises an Internet Cache Synchronization Protocol (ICSP) message.

Applicants' specification goes on to state:

> ICSP supports the synchronization of cached content in community 15 with updated content available at origin server 19. Further details of ICSP are described in the patent application entitled "Method and Apparatus for Content Synchronization" by inventors Keith A. Lowery, et al., filed on June 8, 2000, serial number 09/590,760, which is incorporated by reference.

p. 20, ll. 11-17.

Therefore, Applicants direct the Examiner's attention to page 48, line 3 - page 58, line 12 of U.S. Patent Application No. 09/590,760 ("the '760 Application"), which provides additional details of the Internet Cache Synchronization Protocol, including message syntax and operation codes. This additional disclosure further highlights the differences between the claimed invention and the references cited by the Examiner.

Applicants fail to see the relevance of Examiner's statement that the '760 Application "is not given patentable weight because the application [has] the same assignee as the current pending application and such application has not received a patented status." Office Action, p. 6. M.P.E.P. § 608.01(p) explicitly states that an application may incorporate material by reference to "(1) a U.S. patent, (2) a U.S. patent application publication, or (3) **a pending U.S. application**" (emphasis added). Therefore, the '760 Application's unpatented status has no effect on Applicants' incorporation by reference of this material. For at least the reasons discussed above, Applicants submit that the rejection of Claim 18 is improper. As such, Applicants respectfully request that the rejection of Claim 18 be withdrawn.

Similar to Claim 18, Claim 34 recites an application stored in computer readable memory and operable to "expire content stored at the cache module using a content expiration protocol, wherein the content expiration protocol comprises the Internet Cache Synchronization Protocol." Therefore, Applicants submit that Claim 34 is allowable, for example, for reasons similar to those discussed above with regard to Claim 18. As such, Applicants respectfully request that the rejection of Claim 34 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Keiko Ichiye
Reg. No. 45,460
Phone: (214) 953-6494

Date: _Nov 8, 2005_

CORRESPONDENCE ADDRESS:

Customer Number: **05073**
Attorney Docket No.: 066241.0110